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JANUARY 2015

## New personal data localization rules in Russia to take effect on 1 September 2015

The President of the Russian Federation signed the Federal Law on amendments to the Russian personal data legislation on 31 December 2014. This law changes the date of entry into force of recent amendments related to personal data processing in information telecommunication networks to 1 September 2015 instead of 1 September 2016.

For your convenience we duplicate the information on key changes which shall come into force on 1 September 2015 from our newsletter dated as of August 2014.

### KEY CHANGES

**The law stipulates that the databases containing the personal data of Russian citizens shall be located on the territory of the Russian Federation.**

The operator shall ensure that the activities related to collection, including recording, systematization, accumulation, retention, adjustment (update, amendment) and extraction of Russian citizens' personal data shall be performed via databases located in Russia. The same rules apply to the collection of personal data on the Internet.

The legislator provides a number of exceptions to this rule. Databases located in a foreign state may be used if:

- l processing of personal data is necessary to achieve the goals of the international treaties and in relevant legislation of the Russian Federation;
- l processing of personal data is required for the administration of justice, execution of a judicial act, the act of another body or official to be executed in accordance with Russian law enforcement proceedings;
- l processing of personal data is required for rendering state or municipal services;
- l processing of personal data is required for purposes of professional duties of journalists and/or for purposes of media, scientific, literature or creative activities.

Accordingly, operators must provide Roscomnadzor with information on the location of the databases containing personal data of Russian citizens, prior to processing of such data.

### **The law introduces the Register of Personal Data Infringers (the Register)**

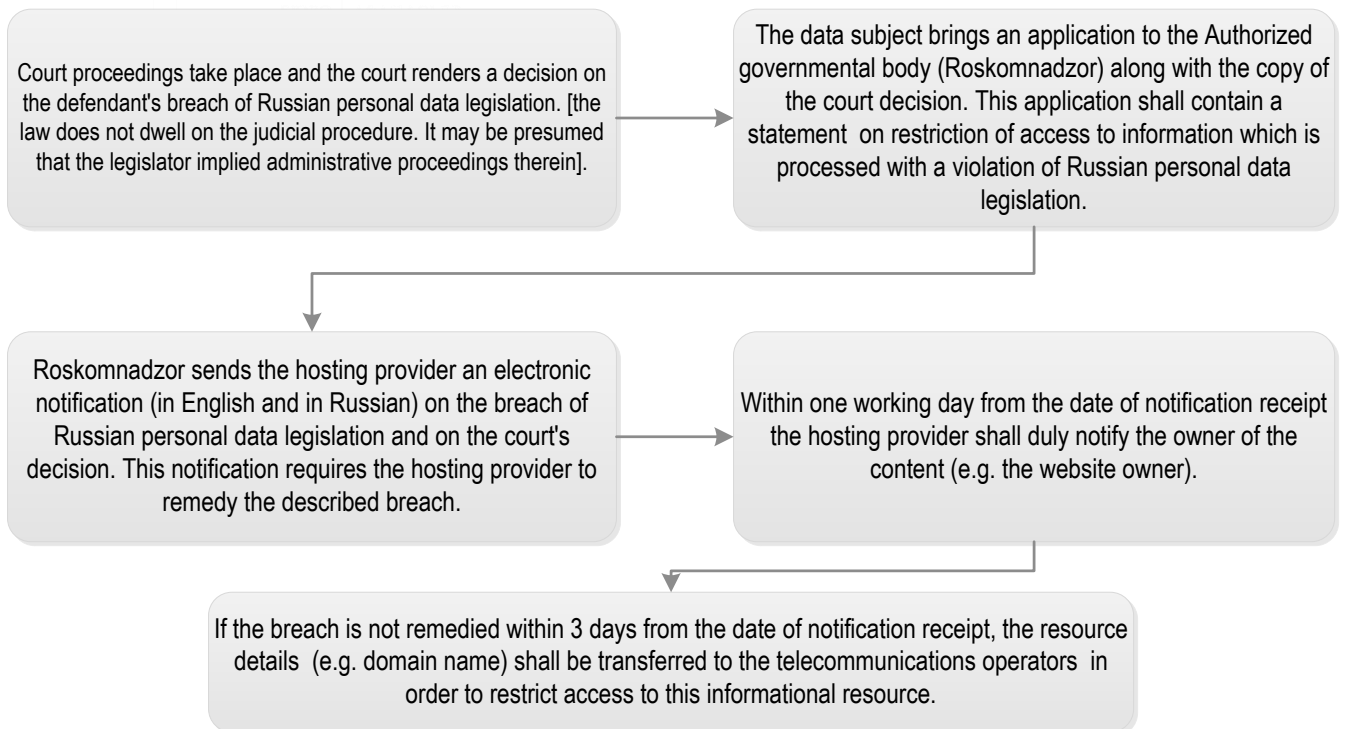
The Register shall contain information which allows to identify the information resources of "infringer": domain names and/or Internet pages; IP addresses; details of a valid judicial acts; information on remedy of the personal data breach; the date on which the telecommunications operators were provided information in relation to the restriction of access to this resource

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NEWSLETTERS



The procedure for entering data in the Register can be briefly summarized as follows:



Roskomnadzor may exclude the resource from the Register based on a request from (1) the telecommunications operator, (2) the hosting provider, (3) the owner of the Internet site, provided that the breach was remedied, or if the court revoked the initial court decision.

## RECOMMENDATIONS

- 1 Keep an eye on Roskomnadzor's (Russian authority in personal data) guidelines and clarifications, which, as the governmental body promised, shall be enacted in 2015.
- 1 Seek legal advice in relation to the interaction with Roskomnadzor and provision of early notification of personal data processing in Russia, including in order to determine whether the change affects your company's activity.

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